

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**DECLARATION OF DONNA A. CURLING IN SUPPORT OF  
OPPOSITION TO SUMMARY JUDGMENT**

I, DONNA A. CURLING, declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is Donna A. Curling. I am an elector of the State of Georgia and a resident of Fulton County. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. I hereby incorporate my previous declarations as filed in this case as if fully restated verbatim herein.

3. I am currently registered to vote in Roswell, Georgia in Fulton County. I have voted in almost all Georgia elections for the last 36 years, and intend to vote in all future elections for which I am eligible.

4. As the legislative liaison for Georgians for Verified Voting (“GAVV”), I am active in voter protection activities and have become familiar with Georgia’s current and past election systems, including the election system used in Georgia until 2019 (“the DRE System”) and the election system currently being implemented by Dominion Voting Systems, Inc. (“Dominion”) and selected by the Georgia Secretary of State’s office (the “Election System”).

5. Since June 2017, I have been forced to choose between two options: I can either vote on a system that I do not believe will count my vote equally and fully with a ballot that I cannot review and verify and which leaves no software-independent paper trail of my vote, or I am forced to jump through additional bureaucratic hoops to vote using an absentee paper ballot, including requesting an absentee ballot by mail and risking disenfranchisement. I will continue to be forced to make this choice for all future elections that use the Election System.

6. Voting using a paper absentee ballot by mail presents numerous burdens and does not guarantee my avoidance of the BMD system. I am concerned

that, if my absentee ballot is damaged in the mail or during processing, election workers will duplicate my choices onto a BMD ballot as is standard practice. *See* Dufort Decl. ¶¶ 11-13, Ex. A. If this were to happen, I would be forced to use a BMD machine without my knowledge or consent. I would not have an opportunity to review the BMD ballot or even know that it exists.

7. Voting absentee has twice resulted in my vote not being counted at all.

8. In June 2017, while the DRE System was still in use in Georgia, I requested an absentee ballot to vote in the June 20, 2017 Special Election Runoff. To do so, I called the election office to determine which procedures to follow and was told that I could receive an absentee ballot by going to the election office at the County Annex and filing a request. I later found out this information was incorrect, and then went to the election office at the North Fulton Annex on June 16, 2017 to attempt to obtain a paper ballot before the election. I obtained an application form at the office, completed it, and turned it. Only when I turned in the application was I told that I could not receive an absentee ballot in person. Rather it had to be mailed to me. At that point, there were only two days—Saturday and Monday—in which to receive my ballot in the mail. Despite, the short window I decided to take my chances with the US Postal Service rather than to vote on a DRE machine. The ballot arrived on Monday, June 19, 2017. I immediately filled it out, but there was

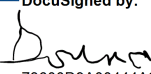
not enough time to return it by mail. On June 20, 2017, I went to my precinct to turn in my ballot. There, I was told that I could not turn in a paper ballot at my precinct. I returned to the North Fulton Annex with my ballot and turned it in at the election office. The clerk there assured me that I had followed the correct procedures and that my vote would be counted. It was only on August 15, 2017—via Defendants’ Motion to Dismiss filed in this case—that I learned that my vote in the June 20, 2017 election did not count. (Dkt. No. 8-1 at 6.).

9. For the Presidential Primary Election in June 2020, I was very nearly forced to forgo my vote altogether or risk my personal health to vote on a BMD-marked ballot that I could not verify. I submitted an absentee ballot application on April 28, 2020. After five weeks, my application was finally reflected as received and process on June 1, 2020. I did not receive my ballot until Monday, June 8, 2020, just one day before Election Day, and I submitted by ballot the same day to a drop box. If I had not received my ballot on time, I would have been forced to forgo my vote or submit to voting in person using a BMD-marked ballot that I could not verify and that no one else could verify, such as by an audit of the election outcome.

10. In the August 11, 2020 Runoff Election, I was disenfranchised yet again. As noted above, I applied for an absentee ballot on April 28, 2020 for the

June 9, 2020 General Primary and opted to receive absentee ballots for the entire election cycle as I was eligible to do as a voter who is over 65 years old. I wanted to vote absentee because I was not willing to vote on a BMD machine that produces a ballot that I cannot verify. I never received a ballot for the August 11, 2020 Runoff Election. I was not willing to vote on a BMD machine where I would not be able to verify that my ballot actually reflected my vote as cast, and therefore I was not able to cast a vote. Not only do I worry about being disenfranchised when voting on a BMD, but casting a vote using a BMD could potentially alter an election outcome if my ballot were to reflect different selections than I made on the BMD and then be tabulated according to the wrong selections rather than my own.

I declare under penalty of the perjury laws of the State of Georgia and the United States that the foregoing is true and correct and that this declaration was executed this 9th day of February, 2023, in Roswell, Georgia.

DocuSigned by:  
  
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DONNA A. CURLING